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*Attorneys for the Democratic National Committee as amicus curiae*  
*\*Motion for Admission Pro Hac Vice Pending*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

REPUBLICAN NATIONAL COMMITTEE,  
NEVADA REPUBLICAN PARTY, and  
SCOTT JOHNSTON,

Plaintiffs,

v.

FRANCISCO AGUILAR, *in his official  
capacity as Nevada Secretary of State*;  
LORENA PORTILLO, *in her official capacity  
as the Registrar of Voters for Clark County*;  
WILLIAM "SCOTT" HOEN, AMY  
BURGANS, STACI LINDBERG, and JIM  
HINDLE, *in their official capacities as County  
Clerks*,

Defendants.

Case Number  
2:24-cv-00518-CDS-MDC

**MOTION FOR LEAVE TO FILE AMICUS  
BRIEF OF THE DEMOCRATIC  
NATIONAL COMMITTEE IN SUPPORT  
OF DISMISSAL**

MOTION FOR LEAVE TO FILE AMICUS BRIEF  
ISO DISMISSAL (No. 2:24-cv-00518)

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**MOTION FOR LEAVE TO FILE AMICUS BRIEF OF THE DEMOCRATIC  
NATIONAL COMMITTEE IN SUPPORT OF DISMISSAL**

The Democratic National Committee (DNC) respectfully moves for leave to appear and to file a brief as *Amicus Curiae* in support of Secretary of State Francisco Aguilar's Motion to Dismiss. The proposed brief is attached as Exhibit A to this Motion. This Motion is made and based on the papers and pleadings on file in this case and the Points and Authorities set forth below.

**I. IDENTITY AND INTEREST OF *AMICUS***

Proposed *Amicus*, as the principal party committee of the United States Democratic Party, has a strong interest in this litigation. The DNC supports the election of Democrats to all levels of political office, from the school board to the Oval Office, by mobilizing voters across the Nation. Its focus includes reducing barriers to voting by ensuring voters are not kept from registering to vote, improperly removed from the voter rolls, or otherwise barred from casting their ballot. The DNC is the Democratic counterpart to the plaintiffs in this litigation: the Republican National Committee. The DNC thus has compelling reasons for seeking to assist the Court in interpreting and applying the National Voter Registration Act (NVRA), 52 U.S.C. § 20501 *et seq.*

The DNC also brings a unique perspective based on its vast experience with the efforts of conservative groups and candidates to undermine public confidence in our elections. The DNC participated in many of the sixty-plus lawsuits filed in 2020, in which parties sought to cast doubt on election systems, nullify the lawful votes of millions of Americans, and overturn election results. That experience allows the DNC to provide insight into the unspoken purpose of this lawsuit and Plaintiffs' transparent attempt to cast a cloud over the 2024 elections.

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## II. FAMILIARITY WITH ISSUES

The DNC has reviewed the papers filed thus far in this action, including the Secretary of State and Intervenors' motions to dismiss. Plaintiffs, Defendants, and Proposed Intervenors have no objection to the DNC filing this Motion and, if the motion is granted, an *Amicus* brief.

## III. POINTS AND AUTHORITIES

### A. Whether to allow *amicus* participation is within the Court's discretion.

"In the Ninth Circuit, district courts have broad discretion to allow amici curiae."<sup>1</sup> *Wild Horse Educ. v. U.S. Dep't of Interior*, No. 323CV00372LRHCLB, 2023 WL 5918077, at \*1 (D. Nev. Aug. 7, 2023). This Court can and has accepted briefs from *amici* in other matters. *See, e.g., United States v. Paredes-Medina*, No. 221CR00323CDSBJA, 2022 WL 7683738, at \*1 (D. Nev. Oct. 13, 2022) (allowing *amicus* brief because it "provide[d] useful information regarding the legislative history of the statute at issue"); *Chrzanowski v. Assad*, No. CVS050418RLHPAL, 2006 WL 8441257, at \*3 (D. Nev. Feb. 22, 2006) (accepting *amicus* brief of American Civil Liberties Union). *Amicus* briefs are considered useful if the proposed *amicus* brief will assist the Court "in a case of public interest." *See Wild Horse Educ.*, 2023 WL 5918077, at \*1. This matter presents issues of great public importance that will not only impact Nevada voters across multiple counties, but also, potentially, the upcoming national elections.

### B. The DNC's brief will help the Court assess the issues in this case.

Proposed *Amicus*' brief offers additional points and perspectives not addressed by the parties. The DNC monitors litigation filed across all fifty states that concern or potentially affect the administration of elections, the maintenance of voter registration lists, and voting rights more generally. The DNC has a deep understanding of the NVRA, its legislative history, and its

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<sup>1</sup> The Federal Rules of Civil Procedure and this Court's local rules are silent with respect to the filing of *amicus* briefs.

1 interpretation and application by courts throughout the country. In addition, the DNC has worked  
2 extensively with state-level voter registration databases, with census data, and with survey data  
3 generated by the American Community Survey (“ACS”) for decades and has intimate familiarity  
4 with its uses and, more importantly, its limitations. For all these reasons, the DNC has unique  
5 information and perspective that can help this Court interpret and apply the NVRA in the context  
6 of the claims advanced by Plaintiffs in this litigation.

7 The DNC’s proposed brief will address three issues. First, the DNC will provide the Court  
8 with context regarding similar litigation filed by the RNC and allied groups across the country and  
9 the damaging effect lawsuits like this one have on voter confidence in the electoral process.  
10 Second, the DNC will analyze the legislative history of the NVRA to offer insight into Congress’s  
11 intent in passing the law and how that intent should inform this Court’s understanding and  
12 enforcement of the statute in this litigation. Finally, *Amicus* will address the methodological errors  
13 in Plaintiffs’ use of voter registration data and data from both the ACS and U.S. Election  
14 Assistance Commission survey. The DNC is familiar with the scope of the arguments presented  
15 by the parties and will not unduly repeat arguments raised by the parties.

16 **C. The parties do not object to the filing of the DNC’s proposed *Amicus* brief**

17 Proposed *Amicus* has conferred with counsel for all parties to this litigation and none of  
18 them object to the DNC filing an *amicus* brief in this matter. The parties conferred and submitted  
19 a Stipulation and Order to Extend Deadlines Relating to Motions to Dismiss and Set Briefing  
20 Schedule. ECF No. 34. That stipulation expressly acknowledged the anticipated filing of this  
21 Motion and, accordingly, set a deadline of May 6, 2024 to file “any motion [for] leave to file an  
22 amicus brief[] and such briefs.” *Id.* This Court entered an Order consistent with that Stipulation on  
23 April 29, 2024. ECF No. 39.

IV. CONCLUSION

The DNC respectfully requests leave to file the attached *amicus* brief to address facts and issues that have not been fully addressed by any of the parties, for consideration in this case.

DATED this 6<sup>th</sup> day of May, 2024.

By: /s/ Daniel H. Stewart

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 6, 2024, I filed the foregoing **MOTION FOR LEAVE TO FILE AMICUS BRIEF OF THE DEMOCRATIC NATIONAL COMMITTEE IN SUPPORT OF DISMISSAL** with the Clerk of the Court for the United States Federal District Court for the District of Nevada by using the CM/ECF system and that the proper parties were served by way of electronic service.

/s/ Dominique Hoskins  
An Employee of Brownstein Hyatt Farber Schreck